

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO. 1:09-CR-0211**
:
v. : **(Judge Conner)**
:
ROBERT L. NELSON, :
:
Defendant :

ORDER

AND NOW, this 11th day of March, 2011, upon consideration of the request (Doc. 217) for an evidentiary hearing filed by defendant Robert Nelson (“Nelson”) on February 23, 2011, wherein Nelson requests that the court hold an evidentiary hearing to determine whether Nelson has asserted a “fair and just reason” for withdrawal of his guilty plea, (see Doc. 217, at 4-5); Fed. R. Crim. P. 11(d)(2) (stating that a defendant may withdraw a guilty plea subsequent to acceptance of the guilty plea by the court but prior to the imposition of sentence if “the defendant can show a fair and just reason for requesting the withdrawal”), and the court noting that it conducted a hearing on Nelson’s pending motion (Doc. 202) to withdraw his guilty plea on February 10, 2011, it is hereby ORDERED that the request (Doc. 217) for an evidentiary hearing is DENIED as MOOT.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge